

**REMARKS/ARGUMENTS**

The Examiner's attention to the present application is noted with appreciation. Applicant gratefully acknowledges the allowance of claim 17 if rewritten in independent form. However, Applicant submits that all pending claims as amended are allowable.

*Claims Rejections – 35 U.S.C. § 102.* Claims 16 and 19 are rejected as being anticipated by Khair. This rejection is respectfully traversed, particularly as to the claims as amended.

The present amendment to independent claim 16 clarifies that the inlet air is first boosted to an intermediate pressure *before* it is mixed with the exhaust gas. Support for this amendment can be found in Figs. 1 and 2, and on page 5 line 30 - page 6 line 7. In contrast, Khair discloses that the inlet air is first mixed with the exhaust gas by mixing valve 35, and then the mixture is compressed by compressor 22. See Fig. 1 and the accompanying description. Therefore Khair does not anticipate, since it does not teach every element of the claim. See, e.g., *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”).

*Claims Rejections – 35 U.S.C. § 103.* Claims 1, 3, 5-9, and 11-15 are rejected as being unpatentable over Gladden et al. in view of Khair et al. Claim 4 is rejected as unpatentable over Gladden et al. in view of Khair and further in view of Coleman. Claim 20 is rejected as unpatentable over Khair et al. in view of Gladden et al. Such rejections are respectfully traversed, particularly as to the claims as amended.

According to MPEP Section 2143.01, if the combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). The EGR gas of Khair must be brought down to ambient pressure to be combined with the fresh inlet air via valve **35** (see FIG. 1, col. 4 lines 39-43, and col. 5, lines 25-27). The *mixture* is then compressed by compressor **22**. In contrast, Gladden et al. teach that ambient air **86** is first compressed by blades **50** of compressor wheel **46** *before* being combined with the EGR gas in interstage duct **64** (see FIG. 1 and col. 4, line 49- col. 5, line 12). Thus in each case the pressure of the exhaust gas is different when it is mixed with the fresh intake air. Because Khair teaches mixing the exhaust gas with the inlet air *before* the inlet air is compressed, combining the system of Khair with that of Gladden et al., which teaches that the inlet air is mixed with the exhaust gas *after* it is compressed, would change the principle of operation of each reference.

In view of the above amendments and remarks, it is respectfully submitted that all grounds of rejection and objection have been avoided and/or traversed. It is believed that the case is now in condition for allowance and same is respectfully requested.

Should the Examiner have any comments, questions or suggestions relating to a speedy disposition of the application, the Examiner is invited to telephone the attorney of record, Ephraim Starr (Reg. No. 41,325), at (310) 791-9120.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'P. Askenazy', written over a horizontal line.

Philip D. Askenazy, Reg. No. 56,721  
Direct line: (505) 998-6132

PEACOCK, MYERS & ADAMS, P.C.  
Attorneys for Applicant(s)  
P.O. BOX 26927  
Albuquerque, New Mexico 87125-6927  
Telephone: (505) 998-1500  
Facsimile: (505) 243-2542

HONEYWELL – GARRETT ENGINE BOOSTING SYSTEMS  
23326 Hawthorne Blvd., Suite 200  
Torrance, California 90505-3756  
Telephone: (310) 791-9120  
Facsimile: (310) 791-9125